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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,939	09/08/2000	Hiroyasu Kuramatsu	Q60150	3125

7590 04/21/2004

Sughrue Mion Zinn MacPeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037

EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,939

Applicant(s)

KURAMATSU, HIROYASU

Examiner

Pablo N Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-14, 24-26, 30, 31 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-23, 27-29, 32, 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/29/04 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the time period relates to a period anywhere from the start of data communication from the server to the communication terminal to the end of this data communication and "the header data is not necessary") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant stated that, "Yonemoto et al. device does not provide notification at the completion of data reception according to a time period for receiving the data. Rather, Yonemoto et al. device only delays notification of the data". In response to the Applicant, the delay time, as taught in Yonemoto et al., is the length of time for the transmission & reception of broadcast information and when this delay time has elapsed a notification of the reception broadcast information to the user.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-16, 18-21, 27-29, 32, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by *Yonemoto et al.* (6,298,239).

As per claims 15, 27, 32, and 34, *Yonemoto et al.* disclosed a communication system comprising a content data server (fig. 1/no. 1000), a storage unit (fig. 2/no.

1020), a communication unit (fig. 2/no. 1040) that transmits data based on request from a communication data, a communication terminal (fig. 1/no. 1100) having a receiver (fig. 4/no. 1110) and a controller (fig. 4/no. 1140) that generates a notification (fig. 5/no. S1506) at the completion of data reception according to a time period for receiving the data (fig. 5, col. 11/ln. 4-col. 12/ln. 49).

As per claims 16 and 28, *Yonemoto et al.* disclosed the controller generates the notification when the time period is longer than a predetermined time period (fig. 5, col. 11/ln. 4-col. 12/ln. 49).

As per claims 18 and 29, *Yonemoto et al.* disclosed the communication terminal having a counter to count the time period in receiving the data and a determiner to determine whether the time period counted by the counter is longer than the predetermined time period (fig. 5, col. 11/ln. 4-col. 12/ln. 49).

As per claims 19, *Yonemoto et al.* disclosed the data is hypertext markup language (col. 9/ln. 29-32).

As per claims 20, *Yonemoto et al.* disclosed the communication terminal having a vibrator (col. 10/ln. 23-25).

As per claims 21, *Yonemoto et al.* disclosed the communication having a display (col. 5/ln. 55-59).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yonemoto et al.* (6,298,239).

As per claims 17, *Yonemoto et al.* do not specifically disclosed the communication terminal having an input unit that sets a notification prohibiting mode. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such a notification prohibiting mode, well known, to the communication terminal of *Yonemoto et al.* in order to avoid disturbance when the user is in such a place as theater, church, or meeting.

As per claims 22 and 23, *Yonemoto et al.* disclosed the communication terminal having such notification as a bell sound or vibration but do not disclose a storage unit that stores notification information indicative of a notification pattern and generated the notification according to the notification information. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such stored notification pattern and generated the notification according to the notification information, well known, to the communication terminal of *Yonemoto et al.* in order to provide the user the flexibility to programmed a distinct notification pattern for each type of received data, so that when there is an alert the user can detect what type of data has been received.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**PABLO N. TRAN
PRIMARY EXAMINER**

April 19, 2004


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